

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

STEPHEN GILL and MICHELLE GILL,
husband and wife,

Plaintiffs,
vs. CASE NO.: 05-cv-10309-MLW

UNITED STATES OF AMERICA,

Defendant.

**ASSENTED TO MOTION FOR CONTINUANCE OF INITIAL SCHEDULING
CONFERENCE PENDING COURT'S RULING ON MOTION FOR LEAVE OF
COURT FOR *PRO HAC VICE* ADMISSION OF PLAINTIFFS' COUNSEL (DOC. 35)**

Plaintiffs STEPHEN GILL and MICHELLE GILL, husband and wife (collectively, "Plaintiffs"), by and through their undersigned counsel, and pursuant to LR, D.Mass. 83.5.3, hereby move for this Honorable Court for a continuance of the initial scheduling conference pending this Honorable Court's ruling on Plaintiffs' pending Motion for Leave of Court for *Pro Hac Vice* Admission of Plaintiffs' Counsel (Doc. 35), Timothy J. Morgan, and as grounds therefor state as follows:

1. Pursuant to the Notice of Scheduling Conference (Doc. 32), an initial scheduling conference presently is scheduled on August 7, 2008, at 4:00 p.m.
2. A Motion for Leave of Court for *Pro Hac Vice* Admission of Plaintiffs' Counsel (Doc. 35) is pending before this Honorable Court.
3. As set forth in that motion, Plaintiffs' counsel, Timothy J. Morgan, meets all the requirements of LR, D.Mass. 83.5.3(b). Accordingly, Plaintiffs are hopeful that this Honorable Court will grant them leave for *pro hac vice* admission of Mr. Morgan.

4. If such leave is granted, then Mr. Morgan shall serve as Plaintiffs' senior lawyer ultimately responsible for the case.

5. Although the Notice of Scheduling Conference (Doc. 32) states that “[c]ounsel may be given a continuance only if actually engaged on trial,” the same also states that “[t]he court considers attendance of the senior lawyers ultimately responsible for the case... to be of the utmost importance.”

6. Plaintiffs' respectfully submit that Mr. Morgan is not engaged in trial, but that he must first be admitted to practice (if at all) before he may appear before this Honorable Court at the initial scheduling conference.

7. Indeed, if this Honorable Court grants leave for Mr. Morgan to appear *pro hac vice* as Plaintiffs' counsel prior to August 7, 2008, then no continuance of the initial scheduling conference will be needed.

8. Defendant UNITED STATES OF AMERICA (“Government”) assents to this motion for continuance.

WHEREFORE, Plaintiffs STEPHEN GILL and MICHELLE GILL, husband and wife, respectfully request that this Honorable District Court grant a continuance of the initial scheduling conference pending this Honorable Court's ruling on Plaintiffs' motion for leave of court for *pro hac vice* admission of Plaintiffs' counsel, Timothy J. Morgan.

LOCAL RULE 7.1(a) CERTIFICATION

Pursuant to LR, D.Mass. 7.1(a), Plaintiffs' undersigned counsel states that he has conferred with the Government's counsel and that he has been informed that the Government assents to this motion.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this, the 22nd day of July 2008, I electronically filed the within document with the Clerk of Court by using its CM/ECF system which, in turn, will electronically transmit notice of the same to the following: United States Attorney's Office, 1 Courthouse Way, Suite 9200, Boston, MA 02210.

/s/ STEPHEN D. GILL
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